IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 195 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DYNAMIC ENTERPRISES

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 195 of 1989

MR PRASHANT G DESAI for Petitioner No. 1

MR BB NAIK for Respondent No. 1-6

MR DHAVAL G NANAVATI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 23/03/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.S.SHAH)

In this petition under Article 226 of the Constitution, the petitioner had challenged the legality of the seizure memo dated 14.9.1988 (Annexure "L") in respect of the consignment of the goods covered by the bill of entry in question and prayed to restrain the respondents from acting in furtherance of the suspension order dated 7.11.1988 (Annexure "O") and various consequential reliefs.

2. By a common order dated 21.2.1989, the Collector of Customs, Rajkot granted provisional release of the detained goods on the condition that the petitioner may execute a bond for full difference between the duty that may be assessed by the Deputy Collector, Customs, Kandla and the duty due as per the show cause notice and also execute bank guarantee to the extent of 10% of the bond amount for safeguarding duty differentia, fine and penalty, if any. While recording this development in the order dated 15.4.1989, this Court also extended the time for filing reply to the show cause notice.

3. When the petition has reached final hearing today, Mr Prashant G Desai, learned counsel for the petitioner states that he has no instructions in the matter.

4. Mr Dhaval G Nanavati, learned Addl. Standing Counsel for the Central Government states that pursuant to the show cause notice, adjudication took place and the competent authority also issued the order-in-original, which has been confirmed by the CEGAT. Hence, the petition challenging the show cause notice i.e. the seizure memo and the suspension order does not survive.

5. In view of the aforesaid developments, we are of the view that the petition has become infructuous and the petition is accordingly dismissed.
Rule is discharged. The interim relief stands vacated.

(M.S. SHAH, J.)

(A.M.KAPADIA, J.)
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